

Benjamin Espinosa #74296  
 HDSP - PO Box 650  
 Indian Springs, NV. 89070-0650  
 Plaintiff, In proper person

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

Espinosa	}	Case NO. 3:21-cv-00205-ART-CLB
Plaintiff		
V.	}	"PLAINTIFF'S ADDENDUM TO HIS
Gittere, et al		RESPONSE TO DEFENDANTS' SUMMARY
Defendants)	}	JUDGMENT MOTION"

Plaintiff, Benjamin Espinosa, files his addendum to his response to defendants' Summary Judgment motion. This addendum is based upon a recently received document that supports plaintiff's already written response and the impending deadline to file his response.

On, July 17<sup>th</sup>, 2023, Plaintiff was called into his caseworkers office to sign for an informal level grievance that went unaddressed for over (2) two years.

Plaintiff offers this example as a showing that NDOC often doesn't follow their timelines. The fact that this is over (2) two years and Plaintiff per AR 740 is unable to proceed to the next level until receiving a response leaving him to the only conclusion that no remedy is available.

If this court would recognize on page 1 "Inmate grievance report" under days left NDOC officials state that there is (4) four days left for them to respond, this shews

how it has become custom for NDOC to manipulate their own documents, records, and rules. Further, see under Status of same states inactive. Plaintiff never even knew that this grievance was ever active except for his copies. Much like Plaintiff's Response to Def's Sum. Jud. mot. exh H (generally) when NDOC refuses to answer, delay an answer, and/or even acknowledge whether a grievance was filed at all, Plaintiff can then only logically assume that no remedy is available. Also showing how NDOC manipulates their records and logs to best suit their agendas.

CONCLUSION

Plaintiff seeks this court to acknowledge this addendum in support of his response to defendants' sum jud motion as a showing of no available remedy.

DATED This 17<sup>th</sup> day of July, 2023.


Benjamin W. 

Benjamin W. Espinosa  
Plaintiff, In pro se.

VERIFIED PLEADING

I do verify that all the above statements and exhibits to this motion is true and correct to the best of my knowledge and set upon personal knowledge. Verified pleadings are accepted without a declaration per FRCP \_\_\_\_\_. Penalty of perjury, NRS 208.165

DATED This 17<sup>th</sup> Day of July, 2023

Benjamin W.  #742910  
Benjamin Espinosa-HDSP - PO Box 650  
Indian Springs NV. 89070-0650  
Plaintiff, In proper person.

= CERTIFICATE OF SERVICE =

I certify that I have handed my above motion to my law library to be e-Filed using this court's CM/ECF system, wherein defendant's counsel will be served by such as active participants.

DATED this 18<sup>th</sup> day of July 2023

Janet Trout, Esq.  
Deputy Attorney General  
counsel for defendants

Benjamin W

Benjamin W Espinosa

NDoc # 74296

HDSP-Po Box 650

Indian Springs, NV,

89070-0650

Plaintiff, in proper person.

EXH A.

EXHIBIT A

GRANT NO. 20063121056

EXH A.

ESPINOSA #74291



# State of Nevada Department of Corrections

## INMATE GRIEVANCE REPORT

**ISSUE ID#** 20063121056

**ISSUE DATE:** 05/04/2021

**ISSUE LOC:** ESP

INMATE NAME	NDOC ID	CURR LOC	TRANS TYPE	GR CODE	ASSIGNED TO
ESPINOSA, BENJAMIN W	74296	HDSP	RTRN_INF	MED	SCICILIANO
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	05/10/2023	4	Denied	SCHILSON	INACTIVE

### INMATE COMPLAINT

### OFFICIAL RESPONSE

Offender Espinoza, Benjamin #74296, Log Number-2006-31-21056. I am in the receipt of your Informal Grievance. The Chief of complaint that you state, "NDOC is trying to reduce / limit medication to forty-five doses and that Lyrica is not a narcotic. The remedy is for NDOC to stop interfering with your medication."

Offender Espinoza #74296 Per medical records on 3/18/21 Lyrica was prescribed 75 mg PO BID X 180 days. Since the provider did not clarify the quantity of Lyrica per month, therefore the automatic quantity you would receive per pharmacy would be reduced amount in (45 pills) per month. Lyrica is classified as a scheduled V not a scheduled II.

Grievance is Denied

Grievance Responder

Report Name: NVRIGR

Run Date: MAY-10-23 03:30 PM

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7/17/23

For Stephen C.

Log Number 20063121056NEVADA DEPARTMENT OF CORRECTIONS  
INFORMAL GRIEVANCENAME: Benjamin Espinosa I.D. NUMBER: 74296INSTITUTION: ESP UNIT: SA-6 HDSPGRIEVANT'S STATEMENT: I am now being told That NDOC is reducing/limiting medication to 45 doses a month. I receive 2 Lyrica (Am/pm) for my nerve condition in my hand. (One in Am/One in Pm). This reduction cancels 15 of my

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 4/22/21 TIME: 5:21 AmGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4/23/21 TIME: 1224pGRIEVANCE RESPONSE: See AttachedCASEWORKER SIGNATURE: [Signature] DATE: 5/17/23☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 5/11/23☐ INMATE AGREES ☒ INMATE DISAGREESINMATE SIGNATURE: [Signature] DATE: 7/17/23

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

Ely State Prison

MAY 04 2021

Grievance Coordinator

DOC 3091 (12 / 01)



**NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Espinosa, Benjamin I.D. NUMBER: 74296

INSTITUTION: ESP UNIT #: 5A-6

GRIEVANCE #: unassigned GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

prescribed, Doctor recommended treatment. you are trying to limit narcotics in your system. understandable. one; Lyrica is not a narcotic, two; you can not deny recommended treatment based on budgetary constraints. Lastly, my medication has been prescribed by not just one but two doctors and I have even been recommended to see a specialist by The latter.

Resolution; stop interfering with my treatment as it helps relieve my pain and allows me to get through The day.

Original: Attached to Grievance  
Pink: Inmate's Copy  
Ely State Prison

MAY 04 2021

Grievance Coordinator

DOC - 3097 (01/02)

**NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Espinosa, Benjamin I.D. NUMBER: 74296  
 INSTITUTION: ESP UNIT #: 5A-6  
 GRIEVANCE #: unassigned GRIEVANCE LEVEL: Informal  
 GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

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MAY 04 2021

Grievance Coordinator

DOC - 3097 (01/02)



-516

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

☐ GRIEVANCE UPHELD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

☐ INMATE AGREES ☐ INMATE DISAGREES

INMATE SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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INSTITUTION: ESP UNIT #: 5A-6

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